



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/661,729

Filing Date September 12, 2003

First Named Inventor McWilliams

Art Unit 1634

Examiner Name Frank Wei Min Lu

Attorney Docket Number 43407-P002US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**Remarks**

1. Response to Restriction Requirement Mailed September 15, 2004;
2. Change of Correspondence Address; and
3. Acknowledgment Postcard.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Winstead Sechrest & Minick P.C.		
Signature			
Printed name	Carol M. Nielsen		
Date	October 15, 2004	Reg. No.	37,676

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**CERTIFICATE OF MAILING**

I hereby certify that this document is being deposited on this day with the U.S. Postal Service "Express Mail to Addressee" service under 37 C.F.R. 1.10 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Mike Martin

*Signature of Person Mailing Correspondence*

Mike Martin

*Typed or Printed Name of Person Mailing Correspondence*

EL 812640643 US

*"Express Mail" Mailing Label Number*

10-15-04

*Date of Signature*

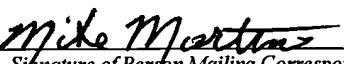


10-18-04

IFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1634  
Examiner: Frank Wei Min Lu  
Applicants: McWilliams, et al.  
Application Number: 10/661,729  
Confirmation Number: 8275  
Filed: September 12, 2003  
For: Isolation of Genetic Molecules From A  
Complex Biological Construct For Use  
In Genetic Expression Analysis

CERTIFICATE OF MAILING	
I hereby certify that this document is being deposited with the U.S. Postal Service "Express Mail to Addressee" service under 37 C.F.R. § 1.10 and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
	Signature of Person Mailing Correspondence
<u>Mike Martin</u>	Typed or Printed Name of Person Mailing Correspondence
Express Mail Label No	EL 812640643 US
Date of Signature:	10-15-04

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir,

**RESPONSE TO RESTRICTION REQUIREMENT**  
**MAILED SEPTEMBER 15, 2004**

This is a response to the Restriction Requirement mailed September 15, 2004. Claims 1 through 39 are subject to a restriction requirement under 35 U.S.C. § 121. The Examiner asserts that the claimed subject matter constitutes multiple inventions, designated by the Examiner as inventions I (Claims 1-7 and 18-24), II (Claims 8, 27-28, and 38), III (Claims 9-15 and 29-35), IV (Claims 16-17 and 39), and V (Claims 25-26 and 36-37).

Applicants hereby provisionally elect Invention 1, Claims 1-7 and 18-24, with traverse, for continued prosecution. Applicants elect with traverse because simultaneous examination of the inventions does not impose an undue burden of examination on the Examiner. (MPEP § 803)

If the restriction requirement is made final, applicants reserve the right to continue prosecution of non-elected inventions in one or more continuing applications.

Respectfully submitted,

Date: Oct. 15, 2004

By: Carol M. Nielsen  
Carol M. Nielsen  
Reg. No. 37,676

Winstead Sechrest & Minick P.C.  
P.O. Box 50784  
Dallas, Texas 75201  
713-650-2722 phone  
214-745-5390 fax  
cnielsen@winstead.com

Attorney Docket No. 43407-P002US